

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

LYDIA LOSCHIAVO, ALISON CHARLES,  
and RENAUD FOURNIER, Derivatively  
On Behalf Of The Lehman Brothers Savings  
Plan,

Plaintiffs,

vs.

FIDELITY MANAGEMENT TRUST  
COMPANY and ERNST & YOUNG,

Defendants,

-and-

THE LEHMAN BROTHERS SAVINGS  
PLAN,

Nominal Defendant.

**1:09 MD 2017 (LAK)**

This document relates to:  
1:10 CV 08631 (LAK)

**ORAL ARGUMENT REQUESTED**

**NOTICE OF MOTION**

PLEASE TAKE NOTICE, that upon the accompanying memorandum of law and Declaration of Chelsea W. Teachout, Defendant Fidelity Management Trust Company will move this Court, before the Honorable Lewis A. Kaplan, United States District Judge, of the United States District Court, Southern District of New York, 500 Pearl Street, New York, New York, at a date and time to be determined by this Court, or as soon thereafter as counsel can be heard, for an order pursuant to Federal Rules of Civil Procedure 12(b)(6) dismissing the Verified Complaint dated September 20, 2010 in its entirety with prejudice, and granting such other and further relief as this Court deems just and proper.

Dated: January 6, 2012

GOODWIN PROCTER LLP

by

/s/ James O. Fleckner

James S. Dittmar, *admitted pro hac vice*

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*Attorneys for Fidelity Management Trust  
Company*

**CERTIFICATE OF SERVICE**

I hereby certify that on January 6, 2012, I caused the foregoing document to be served by electronic means, via the Court's ECF system on all counsel registered to receive electronic notices. I also certify that I have caused copies of the aforementioned documents to be served via First Class Mail upon the non-CM/ECF participants.

/s/ James O. Fleckner